

REMARKS

Claims 9-11, 14-15, 18-19, 22-23, 25-29 and 31-33 are pending herein. By this Amendment, Claims 20-21 and 30 are canceled, without prejudice or disclaimer; Claims 22, 25, and 28-29 are amended; and new Claims 31-33 are added.

Support for the claim amendments and new claims is found in the specification at, *inter alia*, paragraphs [0016]-[0019], [0021], [0043]-[0050], [0059]-[0065], [0074]-[0075], [0078]-[0079], [0090]; and in the Figures. No new matter is added by this Amendment.

I. ELECTION IN RESPONSE TO RESTRICTION REQUIREMENT

In response to the Restriction Requirement, Applicant hereby elects Group II (Claims 9-11, 18-23, 25-27, and 29) with traverse with respect to Group I (Claim 28). As noted, Claims 9-11, 18-23, 25-27, and 29 read on elected Group II.

Like Group I, elected Group II is directed to methods of negotiation and not to a dictionary/vocabulary as asserted by the Examiner. Independent Claims 25 and 29 explicitly recite “methods of negotiation”.

Further, independent Claims 25 and 29 require many of the same features as independent Claim 28, for example, (1) each party partially encrypting its negotiating positions so that identical terms encrypt to identical values; (2) each party sending the partially encrypted negotiating position to the broker, wherein the broker is unable to decrypt the partially encrypted negotiating positions, (3) the broker comparing the partially encrypted negotiating positions to discover whether there exists an encrypted statement that is common with both negotiating positions, (4) the broker providing the parties with a copy of an encrypted basis-for-agreement; and (5) each party decoding the basis-for-agreement. Thus, contrary to the assertion in the Office Action, Group II does not have a separate utility as an online dictionary.

Clearly, search and examination of elected Group II would also include the subject matter of non-elected Group I as the claimed methods overlap in scope and would not be a serious burden. In addition, both Groups are properly classified in Class 705, subclass 80.

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According to MPEP 806:

Where inventions are related as disclosed but are not distinct as claimed, restriction is never proper.

Finally, the requirements of MPEP 806.05 to support a restriction requirement for a combination/subcombination have not been met. The Examiner asserts that all of Groups I, II, III and IV are subcombinations. However, there is no combination claim and as noted above the subject matter of Group I does not have a separate utility than the subject matter of Group II. Reconsideration and withdrawal of the Restriction Requirement between non-elected Group I and elected Group II are respectfully requested.

II. REQUEST FOR EXAMINER INTERVIEW

Applicant requests that prior to acting upon the Election and Amendment, the Examiner contact Applicant's representative to schedule a telephonic interview. A telephonic interview was originally scheduled for December 17, 2008. However, further to a December 16, 2008 telephone conference with Examiner Obeid, due to conflicts between the schedules of the Examiner, Supervisory Examiner, and Applicant, the interview had to be postponed.

III. CONCLUSION

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited.

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If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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